



Costa Rica

Country Reports on Human Rights Practices - [2004](#)

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Costa Rica is a constitutional democracy governed by a president and unicameral Legislative Assembly directly elected in free multiparty elections every 4 years. The presidential term of Abel Pacheco de la Espriella, of the Social Christian Unity Party (PUSC), began in May 2002, after he won 58 percent of the vote in a fair and free election. The judiciary is independent.

The 1949 Constitution abolished the military forces. The Ministry of Public Security--which includes specialized units such as the anti-narcotics police--is responsible for law enforcement and shares national security responsibility with the Ministry of the Presidency. The judicial investigative police, part of the judicial branch of government, conduct most criminal investigations. Civilian authorities maintained effective control of the security forces. Some members of the security forces committed isolated human rights abuses.

The market economy was based primarily on light industry, tourism, and agriculture; the country's population was approximately 4 million. Real gross domestic product growth was 3.9 percent, compared with 5.6 percent in 2003. Wage growth for public and private sector employees, estimated at 8.5 percent and 11 percent respectively, did not keep pace with the 13.13 percent rate of inflation.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. There were some instances of physical abuse by police and prison guards, and penitentiary overcrowding remained a problem. The judicial system processed some criminal cases very slowly, resulting in lengthy pretrial detention for some persons charged with crimes. Press freedom was a problem, with some journalists practicing self-censorship to avoid accusations of libel, defamation, and the associated criminal penalties involved if convicted of such crimes. Domestic violence was a serious problem, and traditional patterns of unequal opportunity for women remained. Abuse of children also remained a problem, and child prostitution was a serious problem. Trafficking in persons was a problem. Child labor persisted, in spite of government efforts to eradicate it.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, in June, security forces shot and killed a man fleeing from the scene of a domestic disturbance. The police officers reported that they were unaware they had injured the man, whose body was discovered a day later in the field into which he had fled. At year's end, the investigation of the shooting continued, and the police officer involved was fired for an unrelated matter.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices and holds invalid any statement obtained through violence; however, members of the security forces were responsible for some physical abuse. The Ombudsman's office was effective in lodging and recording complaints of police misconduct (see Section 4).

As of August, the Ombudsman's office had received 39 reports of police abuse of authority or misconduct. Of these, 20 reports still were being investigated, 8 were determined to be legitimate, and 11 were determined to be without merit.

Prison conditions generally met international standards; however, overcrowding, poor sanitation, lack of health services, and violence among prisoners were common. As of August, the Ombudsman's office received 14 complaints of physical abuse of prisoners by guards, of which 11 were still being investigated, and 3 were determined to be without merit. The office also received 163 other complaints from prisoners alleging inadequate medical care, arbitrary administrative procedures, violation of due process of disciplinary procedures, unfair denial of prison transfer requests, and poor living conditions. Of these 163 complaints, 89 were still being investigated, 15 were determined to be legitimate, and 59 were determined to be without merit. The Ombudsman's office investigated all complaints and referred serious cases of abuse to the public prosecutor. Illegal narcotics were readily available in the prisons, and drug abuse was common. On July 20, a prison guard was arrested for smuggling narcotics into a San Jose prison. The Social Adaptation Division of the Ministry of Justice reported that seven Ministry employees were imprisoned, and another five employees were awaiting trial for smuggling narcotics into prisons.

Penitentiary overcrowding remained a problem. As of October, the Social Adaptation Division of the Ministry of Justice reported a total of 13,692 persons under its supervision, including 7,611 jailed prisoners, 936 persons required to spend nights and weekends in jail, 4,545 persons in supervised work programs requiring no jail time, and 600 juveniles. The overall prison overpopulation rate was 10 percent; however, crowding was more severe in several small jails. Problems at La Reforma prison complex, the country's largest, and San Sebastian prison drew attention to conditions in those institutions. Conditions at the young adult prison in the La Reforma complex were so poor that the Public Defender presented a case before the Supreme Court calling for the construction of a new facility to house young adults convicted of crimes while minors. Despite a judicial order that required the Ministry of Justice to develop a solution, at year's end, the prison continued to hold young adult prisoners. The Ombudsman attributed the problems at La Reforma to overcrowding, deteriorating infrastructure, lack of adequately trained prison personnel, lack of prisoner employment programs, and insufficient medical care. Local judicial officials also cited the practice of grouping hardened criminals together with first-time offenders because of a shortage of maximum-security units and a poorly functioning drug-rehabilitation program.

Prisoners usually were separated by sex and by level of security (minimum, medium, and maximum); however, overcrowding sometimes prevented proper separation. As of October, the Ministry of Justice reported a total of 1,149 women under its supervision, including 527 jailed prisoners, 151 persons required to spend nights and weekends in jail, 447 persons in supervised work programs requiring no jail time, and 24 female juveniles. Female prisoners were held separately in conditions that generally were considered fair, although the women's prison held 8 percent more inmates than its intended capacity.

Juveniles were held in separate detention facilities in campus-like conditions that generally were considered good. The juvenile penal system held 93 youths in detention and another 507 in supervised alternative sanction programs.

Most, but not all, pretrial detainees were held separately from convicted prisoners.

The Government permitted prison visits by independent human rights observers, including representatives from the Ombudsman's office. Human rights observers were allowed to talk to prisoners and to prison employees in confidence and without third parties present.

d. Arbitrary Arrest or Detention

The Constitution and law prohibit arbitrary arrest and detention, and the Government generally respected these prohibitions.

The "Public Force," a combination of several disbanded police units, including the Border Guard, the Rural Guard, and the Civil Guard, is approximately 10,000 strong, not including municipal police forces, which are supervised and funded by each municipality. The Ministry of Public Security has a Disciplinary Legal Department with an Internal Affairs Unit to investigate charges made against its public force members and members of other Ministry of Public Security units such as the anti-narcotics police. During the year, investigations resulted in over 70 dismissals. A number of the dismissals were the result of background checks that revealed some officers did not meet required educational or other hiring requirements, or had a number of unauthorized absences from duty. As of September, there were also two dismissals for abuse of authority, nine for drug or alcohol abuse, three for refusal to take a drug test, and four dismissals for acts of corruption. These statistics did not include complaints against the judicial investigative police, transit police, or immigration officers, who were under the authority of other ministries or institutions.

The Pacheco administration continued its effort to depoliticize and professionalize the police force. A 2001 law replaced military ranks with civilian titles and ensured that police officials were not dismissed due to a change in administrations. The law also required that the police academy develop a course in police administration that included material on the fundamental and universal principles of human rights. All new recruits received approximately 1 week of human rights training as part of the 7-month basic training program. Due to resource constraints, only new recruits passed through the basic training program; it was estimated that 3,500 members of the police force had attended the basic training program.

The law requires issuance of judicial warrants before making arrests. The Constitution entitles a detainee to a judicial determination of the legality of the detention during arraignment before a judge within 24 hours of arrest. The law provides for the right to bail, and the authorities observed it in practice. The law also provides detainees prompt access to an attorney, and, in practice, this was often done before the arraignment. Indigents are provided a public attorney at government expense, and, in practice, even those with sufficient personal funds may obtain a public defender. With judicial authorization, the authorities may hold suspects incommunicado for 48 hours after arrest or, under special circumstances, for up to 10 days.

On January 30, security forces detained approximately 600 citizens and Nicaraguan immigrants in La Carpio to verify their immigration status and check for outstanding arrest warrants. On March 19, the Supreme Court ruled that the collective detention was unconstitutional since it violated the due process rights of the individuals detained.

A criminal court may hold suspects in pretrial detention for periods of up to 1 year, and the court of appeals may extend this period to 2 years in especially complex cases. The law requires that suspects in pretrial detention have their cases reviewed every 3 months by the court to determine the appropriateness of continued detention. According to the Ministry of Justice, in October, there were 2,078 persons in pretrial detention, representing 39 percent of the prison population.

e. Denial of Fair Public Trial

The Constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice. The Constitution provides for the right to a fair trial, and an independent judiciary enforced this right; however, the legal system faced many challenges, including significant delays in the adjudication of civil disputes and a growing workload.

The judicial branch of government includes the upper and lower courts, the judicial investigative police, the office of the prosecutor, the office of the public defender, forensic laboratories, and the morgue. The lower courts include the courts of first instance and the circuit courts. The Supreme Court is the highest court, with 22 justices known as magistrates. The Legislative Assembly elects those magistrates for 8-year terms, which are renewed automatically unless two-thirds of the Assembly opposes such renewal. The Supreme Court generally had a reputation for independence and integrity.

All trials, except those that include juvenile defendants, are public. A trial is presided over by a single judge or by a three-judge panel depending on the potential penalties arising from the charges. Trials that involve victims or witnesses who are minors are closed during that portion of the trial where the minor is called to testify. There are no jury trials. Accused persons can select attorneys to represent them, and the law provides for access to counsel at state expense for the indigent. The law provides for detainee and attorney access to government-held evidence, and defendants can question witnesses against them and present witnesses on their behalf. Defendants enjoy a presumption of innocence, and if convicted, have the right of appeal.

On August 4, the Inter-American Court of Human Rights ruled that the Government had violated Article 8 (Denial of Due Process) of the Inter-American Convention on Human Rights by not permitting a correspondent to submit evidence in his defense during a 2001 appeal before the Supreme Court. The correspondent was convicted of defamation in 1999 and appealed the criminal court's ruling in 2001 (see Section 2.a.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice. The law requires judicial warrants to search private homes. Judges may approve the use of wiretaps in investigations of certain crimes such as: Genocide, homicide, kidnapping, terrorism, narcotics trafficking, production of pornography, trafficking in persons, and the trafficking of persons for their organs. However, legal guidelines on the use of wiretaps are so restrictive that the use of wiretaps was rare.

The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Irregular enforcement of property rights and duplicate registrations of title harmed the real property interests of many who believed they held legitimate title to land. Landowners throughout the country suffered occasional squatter invasions; sometimes they requested government assistance to evict squatters forcibly from private land. On April 22, 75 squatters were arrested attempting to return to land from which they were removed forcibly in July 2003. A group of more than 100 squatters sought shelter in a San Jose church for several months until a court ruling assured the families that they could return to their homes, which were located approximately 5 miles from the disputed land.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, journalists and media company owners criticized outdated legislation that imposed criminal penalties, instead of civil fines, for common press infractions and argued that such legislation promoted self-censorship.

On August 4, the Inter-American Court of Human Rights ruled that the Government had violated Article 13 (Freedom of Expression) of the Inter-American Convention on Human Rights when a criminal court convicted a journalist of defamation in 1999. The criminal court had sentenced the correspondent to 120 days in jail and ordered his newspaper to pay approximately \$200,000 (88,890,000 colones) in fines. The Inter-American Court of Human Rights ruled that the Government should reform its press laws "within a reasonable amount of time," expunge the correspondent's name from the criminal registry, and pay the correspondent's damages and legal expenses.

In an August 2003 survey by La Nacion newspaper of 184 journalists on their perception of freedom of the press, 41 percent said they left out information in reporting because of legal concerns, 79 percent said they felt pressure not to investigate certain issues, and 22 percent claimed that they had received some type of threat during the previous 12 months relating to the performance of their job. The greatest number of threats came from business and political interests. Of the surveyed journalists, 75 percent indicated that they felt constrained in their practice by existing legislation, and the same proportion were unsatisfied with the slow progress the Legislative Assembly had made in reforming existing laws.

However, in a public opinion poll conducted by Unimer in December, 61 percent of respondents indicated that they believed the press was at liberty to inform the public, compared with 33 percent in 2001. This change in the public's perception was attributed to journalists' investigative reports of high-level corruption scandals throughout the year (see Section 3).

A 1996 "right of response" law provides persons criticized in the media with an opportunity to reply with equal attention and at equal length. Print and electronic media continued to criticize public figures; however, media managers found it difficult to comply with provisions of this law. The Penal Code outlines a series of "insult laws" that establish criminal penalties of up to 3 years in prison for those convicted of "insulting the honor or decorum of a public official." The law also identifies defamation, libel, slander, and calumny as offenses against a person's honor that can carry criminal penalties. In 2003, the Inter-American Press Association and the World Press Freedom Committee asserted that such laws had the effect of restricting reporting by the media, and that they wrongly provided public officials with a shield from public scrutiny by citizens and the press.

During the year, three journalists were convicted in criminal courts for journalism infractions. One journalist was sentenced to 30 days in prison and fined for "tarnishing the image" of a school official, another was sentenced to 10 days in prison and fined for publishing an altered photo of television models, and a third was sentenced to 50 days in prison and fined after publishing a story that accused a public employee of misusing public funds.

In December 2003, journalist Ivannia Mora was killed, and police arrested and charged her former employer and four accomplices for ordering the killing. At year's end, the case was still under investigation, but a business rivalry appeared to be the motive.

During the year, the authorities arrested additional suspects in the 2001 murder of radio host Parmenio Medina. At year's end, police continued to investigate the case. Individuals charged during 2003 remained in detention pending trial.

The Commission on Control and Rating of Public Performances rates films and has the authority to restrict or prohibit their showing if it is determined that the films are strictly pornographic or violent in nature or incite crime or vice. The Commission has similar powers over television programs, radio programs, and stage plays. In addition, the Commission regulates the sale and distribution of written material deemed pornographic, enforcing specific packaging and display regulations. A tribunal reviews appeals of the Commission's actions.

On May 26, a judge ordered a tabloid magazine office closed after the owner failed to pay fines imposed by the Commission. The fines, pending from October 2003, resulted from the owner's refusal to submit the magazine, which reportedly contained semi-nude photographs, for the Commission's review before distributing and selling the magazine. The owner argued that the magazine was not pornographic, and the Commission's action amounted to censorship. In August, the magazine was allowed to resume publication, but the owner of the magazine requested that the Inter-American Commission on Human Rights review the case.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

On May 31, in La Carpio, residents barricaded a street to protest the lack of infrastructure and to demand property titles to land they occupied. Security forces intervened to remove the barricade, and a riot ensued. Police used tear gas and retreated from the scene. Six police officers and two civilians suffered gunshot wounds during the incident. After negotiations, residents agreed to remove the barricade the following morning.

Beginning on August 23, truck drivers blocked highways throughout the country to protest government vehicle inspection requirements. After attempting to negotiate with the truckers' representatives for 2 days, security forces arrested 85 persons who refused to move their vehicles. In some cases, police broke windows and used tear gas in arresting individuals locked inside their vehicles. Within a day, all of those arrested for blocking public roads were released.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution establishes Roman Catholicism as the state religion; however, it also prohibits the State from impeding the free exercise of other religions "that do not impugn universal morality or proper behavior." Members of all faiths freely practiced their religion without government interference. Religious education teachers in public schools must be certified by the Roman Catholic Church Conference of Bishops, which does not certify teachers from other denominations or faiths. Private schools were free to offer any religious instruction. Foreign missionaries and clergy of all faiths worked and proselytized freely.

The Government did not restrict the establishment of churches. New churches, primarily evangelical Protestant churches that are located in residential neighborhoods, occasionally encountered problems with local municipalities due to neighbors' complaints about noise and traffic. Some churches were closed as a result.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. There were no restrictions on travel within the country, emigration, or the right of return.

The law requires that adults carry their national identification cards with them at all times. Persons who fail to produce such documents at security checkpoints may be detained until their identity and immigration status are verified.

The Constitution prohibits forced exile, and it was not used.

The law and a series of executive decrees provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The Refugee Department, in the General Directorate of Migration, is in charge of refugee status determination. The law requires refugee applications to be adjudicated within a month of receipt. Unlike in previous years, the Refugee Department eliminated its backlog, and most refugee cases were processed within a month.

As of December 12, the Government received 1,386 applications for refugee status, of which 1,132 were from Colombians. From January to December 12, the Government recognized 819 persons as refugees, of which 765 were of Colombian origin. These figures included family members. Since July 2001, the Government received 14,559 applications for refugee status, of which 12,676 were from Colombians. The majority entered in legal visitor status and applied for asylum. Those who sought temporary refugee status were expected to return to their country of origin once fighting ended.

In addition, the Government provided refugee status for 20 Cuban migrants in need of protection who had been interdicted by a foreign government. The Constitution specifically prohibits repatriation of anyone subject to potential persecution. The authorities regularly repatriated undocumented Nicaraguans, most of whom entered the country primarily for economic reasons. According to the General Directorate of Migration, between January and November 14, the Government deported 955 persons, of which 607 were Nicaraguans, and denied entry to 37,648 persons, of which 36,446 were Nicaraguans.

Allegations of abuse by immigration and other border officials periodically arose.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage and by secret ballot every 4 years. The independent Supreme Electoral Tribunal ensured the integrity of elections, and the authorities and citizens respected election results. Presidents may seek reelection after sitting out two 4-year terms. Assembly members may seek reelection after at least one term out of office.

In the February 2002 elections, the failure of any presidential candidate to win 40 percent of the popular vote necessitated a runoff election in April, which was won by Abel Pacheco of the PUSC Party. PUSC candidates won 19 of the Legislative Assembly's 57 seats. The National Liberation Party won 17 seats, and several other parties hold the remaining seats. Although traditionally a two-party system, several small opposition parties wielded significant influence within the Legislative Assembly.

A special legislative committee continued to investigate campaign finance irregularities and undisclosed sources of funding by the presidential candidates during the 2002 election. It aimed to formulate recommendations before the start of the 2006 election process. At year's end, the committee had not yet completed its deliberations. In December, the Chief Prosecutor's office also

announced the reopening of the campaign finance investigation surrounding President Pacheco's 2002 election campaign. The investigation continued at year's end.

Public corruption remained an issue in spite of government efforts to combat it. During the year, there were several well-publicized accusations against government officials engaged in corruption or alleged conflict of interest arrangements.

In April, the president of the Costa Rican Social Security Fund (CCSS) was forced to resign following disclosure that he had been renting a house, at discounted rates, owned by the chief financial officer of an important CCSS medical supplier. In June, this investigation widened when investigators found that the CCSS Board of Directors used public funds to pay for an advertising campaign supporting the former CCSS president. Subsequently, members of the Board of Directors were charged with embezzlement.

The CCSS investigation continued throughout the year and eventually implicated former President Rafael Angel Calderon and other prominent individuals. Investigators claimed that Calderon directed a scheme that pushed a bill through the Legislative Assembly to purchase \$39.5 million in medical equipment, and in return, the former president and accomplices received approximately \$9.2 million in commissions. In October, former President Calderon was placed in pretrial detention, and the investigation into bribery, illicit enrichment, and corruption involving the CCSS case continued at year's end.

In July, following a separate investigation, President Pacheco fired two directors of the Costa Rican Institute of Electricity (ICE) after disclosures that they had used a 2003 business trip for personal ends, which resulted in the award of a \$130 million ICE contract to a global telecommunications company. A third ICE manager also was fired for his role in the contract award, and the contract was suspended until a review could be completed. In July, the Constitutional Court accepted an appeal by the two fired directors, but the appeal later was dismissed.

In September, one of the ICE directors fired in July disclosed to investigators the details of another kickback arrangement that implicated former President Miguel Angel Rodriguez. The former ICE director alleged that former President Rodriguez received part of a \$2.4 million dollar kickback received from a foreign telecommunications company (a different company than the case for which the director was already under investigation) in exchange for the award of two ICE contracts totaling over \$258 million. Upon his return to the country on October 15, Rodriguez was arrested and later placed in pretrial detention. The investigations into the kickback and other cases involving the former president continued at year's end.

In October, a third former President, Jose Maria Figueres Olsen admitted to receiving \$900,000 from the same foreign communications company implicated in the kickback scheme involving former President Rodriguez; however, Figueres denied any wrongdoing and stated that the funds received over a 3-year period were for professional consulting services. Despite requests from the Legislative Assembly for his return, Figueres remained in Switzerland and had not been charged with a crime at year's end.

The Government generally respected citizens' rights to information, and many government institutions published reports that detailed the year's activities. In May, the Ombudsman's office released its annual human rights report, which criticized the Government for its lack of transparency and for denying public access to information. Specifically, the report criticized the lack of transparency regarding the funding of the Foundation for State Cooperation, a private foundation that supported government programs. The report also criticized the Government for failing to provide information on its fiscal reform proposal, on cuts in social spending, and on the negotiations of a free trade agreement. The Ombudsman's office criticized the annual fee of approximately \$27 (12,000 colones) required to access the daily government gazette via the Internet, stating that the fee infringed upon the rights of citizens to access government decrees, edicts, resolutions, and legislation.

Women encountered no legal impediments to their participation in politics and increasingly were represented in leadership positions in the Government and political parties. The Supreme Electoral Tribunal required that a minimum of 40 percent of candidates for elective office be female and that women's names be placed accordingly on the ballots by party slate. The First Vice President (who is also the Minister of the Presidency), the Minister of Child and Adolescent Issues, the Minister of Health, the Minister of Justice, and the Minister of Women's Affairs were women. There were 20 women in the 57-seat Legislative Assembly, including 9 legislative committee chairwomen, and women held prominent offices in the 3 largest political parties.

Indigenous people may participate freely in politics and government; however, in practice, they have not played significant roles in these areas except on issues directly affecting their welfare, largely because of their relatively small numbers and physical isolation. They accounted for approximately 1 percent of the population. There were no indigenous members of the Legislative Assembly.

The country's 100,000 Afro-Caribbeans, who mostly resided in Limon Province, enjoyed full rights of citizenship, including the protection of laws against racial discrimination. There were three Afro-Caribbean members in the Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Various domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides that all persons are equal before the law, and the Government generally respected this provision.

Women

The Government continued to identify domestic violence against women and children as a serious societal problem. The law prohibits domestic violence and provides measures for the protection of domestic violence victims. Criminal penalties range from 10 to 100 days in prison for aggravated threats and up to 35 years in prison for aggravated homicide. During the year, the autonomous National Institute for Women (INAMU) provided assistance to 5,866 women, including counseling and lodging for battered women in INAMU shelters. INAMU also maintained a domestic abuse hotline, receiving 6,021 calls in 2003.

The Office of the Special Prosecutor for Domestic Violence and Sexual Crimes for the San Jose area investigated 45 cases of disobeying a court order, 83 cases of assault, 82 cases of armed assault, 124 cases of battery, 3 cases of aggravated battery, 15 cases of abandonment, 80 cases of verbal threats, 5 cases of attempted killing, and 1 killing. In addition, the Office reported that it was investigating 14 cases of parental abuse of custodial rights and 28 cases of parental abduction of children. In 2003, the Office of the Special Prosecutor for Domestic Violence and Sexual Crimes prosecuted 448 cases related to domestic violence. INAMU reported that 20 women and girls were killed in incidents of domestic violence, compared with 29 during 2003.

The Law Against Domestic Violence establishes mechanisms to help victims. The authorities incorporated training on handling domestic violence cases into the basic training course for new police personnel. The law requires public hospitals to report cases of domestic violence against women. It also denies the perpetrator possession of the family home in favor of the victim. The public prosecutor, police, and Ombudsman had offices dedicated to this problem.

The law defines various types of rape and provides sanctions dependent upon a victim's age and other factors such as an assailant's use of violence or position of influence over the victim. The Penal Code provides for sanctions from 10 to 18 years in prison for rape and 2 to 10 years in prison for statutory rape. As of November, authorities reported approximately 5,400 cases of sex crimes, compared to 5,226 cases in 2003. Authorities attributed the increase to a greater public awareness of the need to report these types of crimes. Approximately 17 percent of the prison population was serving sentences as a result of convictions related to sex crimes.

Prostitution is legal for persons over the age of 18. The Penal Code prohibits individuals from promoting or facilitating the prostitution of individuals of either sex, independent of the individual's age, and the penalty is increased if the victim is under the age of 18. There are no specific laws against sex tourism, which is a growing problem; however, law enforcement agencies initiated investigations under existing legislation that prohibits the promotion of prostitution. The Government and several advocacy groups also initiated awareness campaigns publicizing the dangers of sex tourism and its association with child sexual exploitation.

The law prohibits sexual harassment in the workplace and educational institutions and the Ministry of Labor generally enforced this prohibition. The law imposes penalties ranging from a letter of reprimand to dismissal, with more serious incidents subject to criminal prosecution. The Ombudsman's office received 66 complaints of sexual harassment from May 2003 until April.

The Law for the Promotion of the Social Equality of Women prohibits discrimination against women and obligates the Government to promote political, economic, social, and cultural equality. The Government maintained offices for gender issues in almost all ministries and most parastatal organizations, and the Ministry of Labor was responsible for investigating allegations of gender discrimination. INAMU implemented programs that promoted gender equality and publicized the rights of women.

According to a 2003 U.N. Development Program report, women over age 15 represented 36.6 percent of the labor force. Most women (76 percent) worked in the service sector, with the remainder working in industry (17 percent) and agriculture (6 percent). Women occupied 45 percent of professional and technical positions and 30 percent of legislative, senior official, and managerial positions. The Constitution and Labor Code require that women and men receive equal pay for equal work; however, the estimated earned income for women was approximately 78 percent of the earned income for men, despite the fact that 20 percent of women in the workforce had some university instruction, compared with 11 percent of men.

Children

The Government was committed to children's rights and welfare through well-funded systems of public education and medical care. It also established a legal framework intended to comply with the Convention on the Rights of the Child and other international standards. Primary education is compulsory, free, and universal. The law requires 6 years of primary and 3 years of secondary education for all children, and attendance is required until age 15. School attendance requirements were generally enforced. The Ministry of Education reported that, as of July, the estimated primary school dropout rate was 1.4 percent, and the secondary school dropout rate was 4.4 percent. The law guarantees equal access to education and health care services to all minors, regardless of gender or legal residency status.

In recent years, the autonomous National Institute for Children (PANI) increased public awareness of abuse of children, which

remained a problem. During the year, PANI assisted 4,511 children, including 564 cases of substance abuse, 2,435 cases of physical abuse, and 1,425 cases of sexual abuse. Traditional attitudes and the inclination to treat such crimes as misdemeanors sometimes hampered legal proceedings against those who committed crimes against children.

The Government, security officials, and child advocacy organizations acknowledged that the commercial sexual exploitation of children remained a serious problem (see Section 5, Trafficking in Persons).

In 2003, the NGO Casa Alianza estimated that of the approximately 1,500 children living on the street, 76 percent were addicted to drugs and 29 percent survived by prostitution.

The Constitution and the Labor Code provide special occupational protection for minors and establish a minimum working age of 15 years. Child labor was a problem mainly in the informal sector of the economy (see Section 6.d.).

Trafficking in Persons

Although the law prohibits the trafficking in women and minors for the purpose of prostitution, comprehensive legislation that addresses all forms of trafficking does not exist. NGO representatives stated that the absence of such legislation hindered the prosecution of trafficking cases. There were reports that persons were trafficked to, from, and within the country.

The law provides for sentences of 2 to 10 years in prison for anyone who engages in sex with a minor and 4 to 10 years in prison for those who managed or promoted child prostitution. The Government enforced this law and raided brothels and arrested clients.

As of September, authorities had charged one individual with a trafficking-related crime. In 2003, authorities made 14 arrests based on charges of child sexual exploitation. Authorities indicted eight defendants and placed six suspects in investigative detention pending formal charges. By year's end, four of those arrested in 2003 were convicted, and the case against a fifth individual was dropped.

Government agencies responsible for combating trafficking and child sexual exploitation included the Special Prosecutor on Domestic Violence and Sex Crimes, the Judicial Investigative Police, the National Institute for Children, the Foreign Ministry, the Labor Ministry, the Public Security Ministry, and the Tourism Ministry.

Cases of trafficking involved persons from Colombia, the Dominican Republic, Panama, Nicaragua, the Philippines, Russia, and countries of Eastern Europe. While evidence suggested that most trafficked persons remained in the country, some transited to Canada, Mexico, and the United States. Some female citizens, generally from impoverished backgrounds, also were trafficked to Canada, Mexico, and the United States. Traffickers often recruited victims with a promise of secure employment and good pay.

Child prostitution was a serious problem. PANI estimated that 3,000 children suffered from commercial sexual exploitation and identified particular risks for street children in the urban areas of San Jose, Limon, and Puntarenas. During the year, PANI reported that it provided assistance to minors in 87 separate cases of commercial sexual exploitation.

The Special Prosecutor's Office on Domestic Violence and Sexual Crimes has processed 66 child sexual exploitation cases and convicted 31 citizens and 9 foreigners for child sexual exploitation crimes since 1999.

From January through June, Casa Alianza presented the Government with 54 complaints for promoting the prostitution of minors, 28 complaints for sexual relations with minors, and 7 complaints for the production of child pornography. The Special Prosecutor's office reported that, as of September, it was investigating 31 cases of sexual relations with minors.

A governmental Inter-Ministerial Group on Trafficking made efforts to raise awareness of trafficking issues and sexual exploitation of children and encourage law enforcement and prevention measures, particularly at the local level; however, these efforts were hampered by a lack of resources.

There were limited formal mechanisms specifically designed to aid trafficked victims; however, the Government offered indirect assistance, such as stay-in-school programs, to child victims of trafficking. Victims were not granted temporary or permanent residence status and often were deported immediately to their country of origin.

Persons with Disabilities

There was no discrimination against persons with disabilities in education, access to health care, or in the provision of other state services. Reports of discrimination in employment sometimes occurred. The law mandates access to buildings for persons with disabilities, but the Government did not enforce this provision in practice, and many buildings remained inaccessible. The Ministry of Education operated a Program for Persons with Disabilities, including a national resource center that provided parents, students, and teachers with advanced counseling, training, and information services. The Ministry reported that 13,162 special education students were registered in the school system during the year, and there were 1,378 special education centers

to assist special education students and students with disabilities.

Indigenous People

The population includes nearly 64,000 indigenous persons among 8 ethnic groups. Approximately 73 percent lived in traditional communities on 22 reserves, which, because of their remote location, often lacked access to schools, health care, electricity, and potable water. The Law of the Indigenous People nominally protects reserve land as the collective, nontransferable property of the indigenous groups; however, some indigenous landowners sold their land to pay off debts, sometimes illegally to nonindigenous people. The Ombudsman had an office to investigate violations of the rights of indigenous people and sought to return reserve land to indigenous groups.

Section 6 Worker Rights

a. The Right of Association

The law specifies the right of workers to join unions of their choosing without prior authorization, and workers exercised this right in practice. The Labor Code also guarantees freedom of association in the negative sense; that is, the right not to join a union and to leave a union, and accordingly prohibits any action that might infringe that right. About 12 percent of the work force was unionized, and approximately 80 percent of all union members were public sector employees. Unions operated independently of government control.

Some trade union leaders contended that the existence of worker "solidarity associations" in some enterprises displaced unions and discouraged collective bargaining; however, the law prohibits these non-dues-collecting organizations from representing workers in collective bargaining negotiations or in any other way assuming the functions of or inhibiting the formation of trade unions. Instead, they offered membership services, including credit union programs, matching-fund savings accounts, and low-interest loans. Approximately 330,000 workers were members of solidarity associations, 95 percent of whom worked in the private sector.

Specific provisions of the Labor Code provide protection from dismissal for union organizers and members during union formation, including reinstating workers fired for union activities; however, enforcement was lax, and employers often failed to comply with this provision in practice.

The Ministry of Labor continued to work on clearing a number of labor cases pending from previous years, including cases of workers allegedly fired for union activities. From January to November, the Center for Alternative Resolution of Labor Disputes handled 2,014 cases, of which 881 cases were submitted to reconciliation, 73 percent of which resulted in an agreement between the parties.

b. The Right to Organize and Bargain Collectively

Workers exercised the constitutional right to organize and the right to voluntary collective bargaining. Foreign nationals are expressly prohibited from exercising direction or authority in unions. There are no special laws or exemptions from regular labor laws in export processing zones.

If a trade union, of which at least 34 percent of the workforce are members, requests collective bargaining, the employer is obligated to initiate the bargaining process.

Private sector unions had the legal right to engage in collective bargaining; however, direct arrangements were used more commonly. The Ministry of Labor reported that, from 1999 through the end of the year, there were 315 direct arrangements in the private sector compared to 22 collective agreements.

The law provides for the right to strike, and workers exercised this right in practice; however, unions complained of burdensome administrative requirements in order for a strike to be legal. The law requires that at least 60 percent of the workers in the enterprise support strike action. Pursuant to a Constitutional Court ruling, restrictions on the right to strike apply only to essential services that concern the national economy or public health.

From July through August, air traffic controllers went on strike for 47 days. The Government brought in replacement controllers from other Latin American countries to continue airport operations. The labor courts ruled the strike illegal, and the Government prepared to fire the controllers, but the Government instead reached a settlement.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The Constitution and the Labor Code provide special occupational protection for minors and establish a minimum working age of 15 years. Adolescents between the ages of 15 and 18 may work for a maximum of 6 hours daily and 36 hours weekly with special permission from PANI. The law prohibits night work and overtime for minors. Certain activities considered to be unhealthy or hazardous typically require a minimum age of 18. In addition, minors are entitled to facilities allowing them to attend educational establishments, through school arrangements and timetables adapted to their interests and employment conditions, and to participate in apprenticeship training programs.

The Labor Ministry, in cooperation with PANI, generally enforced these regulations in the formal sector. Due to limited government resources for enforcement, some children worked on the fringes of the formal economy in violation of these limits. The banana industry did not employ youths under the age of 18.

Child labor was a problem mainly in the informal sector of the economy, including small-scale agriculture, domestic work, and family-run enterprises. Child prostitution and other types of child sexual exploitation remained serious problems (see Section 5).

The country had a national program of action on child labor, and the Government continued to work with the ILO and other organizations to eradicate this problem. The Ministry of Labor maintained an Office for the Eradication of Child Labor, which is responsible for coordinating government efforts and programs targeted at child labor. During the year, the Government continued to provide small loans and economic aid to families with at-risk children and scholarships for poor families to cover the indirect costs of attending school. During the year, the Government and NGOs also initiated a new child labor awareness campaign and continued to implement a number of projects to remove children from work and return them to school.

The Office for the Eradication of Child Labor reported that, from January to August, it registered 740 cases in its child labor database, of which 350 were children working under the legal employment age of 15. The Ministry provided assistance in reinserting the children into education institutions.

e. Acceptable Conditions of Work

The Constitution provides for a minimum wage, which is set by the National Wage Council. Monthly minimum wages for the private sector ranged from approximately \$133 (59,593 colones) for domestic employees to approximately \$523 (234,503 colones) for university graduates. The Ministry of Labor effectively enforced minimum wages in the San Jose area, but it did so less effectively in rural areas, especially those where large numbers of migrants were employed. At the lower end of the scale, the national minimum wage did not provide a decent standard of living for a worker and family.

The Constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Generally, workers may work a maximum of 8 hours during the day and 6 at night, up to weekly totals of 48 and 36 hours, respectively. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work in excess of the daily work shift. However, agricultural workers did not receive overtime pay if they worked voluntarily beyond their normal hours.

The law requires industrial, agricultural, and commercial firms with 10 or more workers to establish a joint management-labor committee on workplace conditions and allows the Government to inspect workplaces and to fine employers for violations. Most firms subject to the law established such committees, but they either did not use the committees or did not turn them into effective instruments for improving workplace conditions. Resource constraints continued to hinder the Inspection Directorate's ability to carry out its inspection mandate. Workers have the right to leave work if conditions become dangerous; however, workers who did so may jeopardize their jobs unless they file written complaints with the Ministry of Labor.